

Danner, Ward

From: Jennifer deNicola <jen@malibuunites.com>
Sent: Thursday, July 17, 2014 2:18 PM
To: Blumenfeld, Jared
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Subject: New Tests Show Malibu High and Elementary Classrooms have Highest PCB Caulk Levels in the Nation
Attachments: 7_17_14_MU-PEER_comments_Environ_Plan1.pdf; ATT00001.htm; BC Lab 6 Results 7714.pdf; ATT00002.htm; Key BC Labs PDF.pdf; ATT00003.htm; PCB health Science One-Page MU.pdf; ATT00004.htm; IMG_3290.MOV; ATT00005.htm

Dear Jared Blumenfeld:

Earlier today you received independent test results from Malibu High, Middle and Juan Cabrillo Elementary School that revealed that the contamination issue at this tri-school campus is far more serious than previously acknowledged.

The results of the independent PCB testing are significant. In fact, after consulting with other regions, we have found these results appear to be the highest in the nation found in classroom caulking.

- Window caulking from Juan Cabrillo Elementary is at 340,000ppm
- Interior door caulking from Malibu High School room 506 is at 370,000ppm. This is respectfully, 34% and 37% PCBs.
- The Faculty office for PE violated TSCA as well at 190ppm confirming that all four teachers with thyroid cancer taught in rooms that violate TSCA.
- Three dirt samples from classrooms in building E were found to have PCBs at 11 times the EPA's RSL.

In light of these results, it is evident that the EPA's "don't test, don't know" policy is putting students and teachers at risk. (see Health Risks attached below). It is the duty of the EPA to protect our children from environmental toxicants, yet your policy has put our children in harm's way. For example my daughter, along with 150 of her 6th grade friends, were evacuated from classrooms in building E and put into a classroom that was 6800 times more toxic than federal law allows (50ppm). My daughter spent four out of six periods per day in this classroom. In addition after my daughter's teacher was assigned to this room, Superintendent Sandra Lyon told her that this was the only room available to her, but she wanted to disclose that the previous teacher in this room has thyroid cancer. Yet, Lyon did not test the room first to protect the teacher or the students. A simple \$100 caulk test would have prevented this unnecessary and irresponsible exposure to all 6th graders for nine months. This is an example of the ripple effects of EPA's "don't test, don't know" policy. PCBs are illegal to keep in place, yet the EPA refuses to set a policy that puts children first and requires schools to test. Parents have a right to know what their children are being exposed to.

Based on the new results it is evident that EPA region IX spoke prematurely, before any real testing had occurred, in a Malibu Times article on Dec 18th, 2013, titled "FEDS SAY MALIBU HIGH SCHOOL IS SAFE"

"To put the Malibu High elevated sample in perspective, [EPA's Steve] Armann compared it to samples found in a New York school where a similar health scare arose earlier this year. Samples from some of New York's public elementary schools tested as high as 440,000 PPM, according to Armann... (Which was a sample from a corridor trophy case in Brooklyn and not a classroom. Yet Armann also said) 'Anything that's been tested and verified above 50 [PPM] has to be removed.' (However, nine months later there is no plan for removal at MHS.)

http://www.malibutimes.com/news/article_91e77954-67b2-11e3-a6d3-0019bb2963f4.html

This choice of wording by Steve Armann, which we also heard from you, Jared, at the June 20, 2014 meeting at Malibu High, sets the stage for EPA's policy of "Don't Test, Don't Know" (so therefore you don't violate TSCA.) This is a dangerous game to play with children's health, in addition to the EPA using it as a tool to circumvent TSCA, the very law the EPA is tasked to enforce.

For seven months, Malibu Unites has continued to urge the EPA on the following positions -- and today we add more:

1. Order SMMUSD to immediately test all the caulk/building materials suspected of containing PCBs in all classrooms constructed or renovated pre-1979
2. Order SMMUSD to immediately remove all PCB material in excess of 50ppm that is in violation of TSCA
3. Order SMMUSD to use precautionary principles removing students from any potential exposure, until full source testing and remediation has been completed. School starts on August 19. Please ensure that students at MHS and JC have a place to be educated that is free of PCBs. ie: provide portable (pcb-free) classrooms for any rooms that violate 50ppm until which time renovation or full remediation has been completed.
4. Reject Environ's second PCB plan as wholly inadequate and in violation of TSCA regulation. There is no legal basis for leaving illegal levels of PCBs in place for 15 years. Fines under TSCA should be levied on the district for every day that they have not provided an appropriate plan since their due date of March 30th, 2014.

We hope that in light of this new information and the continued outrage by the parents for simple caulk testing that EPA Region IX will now take our situation at MHS and JC more seriously, take swift action to protect our children, and use the power of the law to force an unwilling district to fully test all classrooms and identify all PCB sources within the next 60 days, and then remediate all PCBs that violate TSCA within one year.

OUR CHILDREN'S FUTURE HEALTH DEPENDS ON YOU TAKING ACTION TODAY!

Respectfully,

Jennifer deNicola
President
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